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**JAN 19 2007**

**OFFICE OF PETITIONS**

In re Application of  
John S. Fox  
Application No. 10/788,724  
Filed: February 26, 2004  
Attorney Docket No. LIG 0002P

ON PETITION

This is a decision in response to the petition, filed July 10, 2006, to revive the above-identified application under the provisions of 37 CFR 1.137(b) and copy thereof filed December 26, 2006.

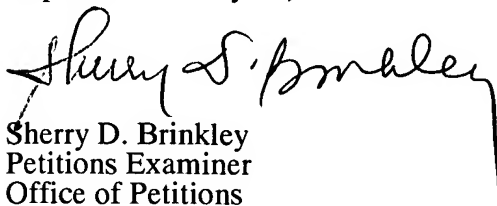
The petition is **GRANTED**.

The above-identified application became abandoned for failure to reply in a timely manner to the non-final Office action mailed September 21, 2005, which set a shortened statutory period for reply of one (1) month or thirty (30) days (whichever is later). No extension of time under the provisions of 37 CFR 1.136(a) was obtained. It is noted that an Election was subsequently filed on November 28, 2005, using a Certificate of Mailing under 37 CFR 1.8 dated November 22, 2005. However, the Election was untimely since it did not include an appropriate petition for extension of time and fee. Consequently, on May 1, 2006, a Notice of Abandonment was mailed. In response, on July 10, 2006 the present petition was filed.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the response in the form of an election of the invention to be examined; (2) the petition fee of \$750; and (3) the requisite statement of unintentional delay.

Telephone inquiries concerning this decision may be directed to the undersigned at (571) 272-3204. All other inquiries regarding this application should be directed to the Technology Center.

The application is being referred to Technology Center AU 2883 for consideration of the response filed July 10, 2006.

  
Sherry D. Brinkley  
Petitions Examiner  
Office of Petitions